REMARKS

This application has been reviewed in light of the Office Action dated December 13, 2002. Claims 1-18 and 36-88 are presented for examination, of which claims 1, 17, 18, 36, 52-54, 71, 87, and 88 are independent. Claims 1, 36, 54, and 71 have been amended to define still more clearly what Applicants regard as their invention, in terms that distinguish over the art of record. Favorable reconsideration is requested.

Claims 17, 18, 52, 53, 87, and 88 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,751,965 (*Mayo et al.*). Claims 1-4, 6, 7, 9-12, 15, 19-22, 24, 25, 27-30, 32, 36-39, 41, 42, 45-47, 49, 54-57, 59, 60, 62-65, 67, 71-74, 76, 77, 80-82, and 84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* in view of U.S. Patent 5,317,693 (*Cuenod et al.*). Claims 5, 23, 40, 58, and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 1, and further in view of U.S. Patent 5,261,044 (*Dev et al.*) which *Mayo et al.* incorporates by reference. Claims 8, 26, 43, 61, and 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 1, and further in view of U.S. Patent 5,935,262 (*Barrett et al.*). Claims 13, 33, 50, 68, and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 12, and further in view of U.S. Patent 5,109,486 (*Seymour*). Claims 14, 31, 48, 66, and 83 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 12, and further in view of U.S. Patent 5,987,535 (*Knodt et al.*). Claims 35 and 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 30, and further in view of *Knodt et al.* Claims 16, 34, 51, 69, and 86 were rejected

under 35 U.S.C. § 103(a) as being unpatentable over *Mayo et al.* and *Cuenod et al.* as applied to claim 12, and further in view of "Windows 95 Troubleshooting: Device Manager Error Codes" by InfiniSource (*Troubleshooting*).

Applicants point out that claims 19-35 were cancelled in their previous Amendment, dated October 3, 2002. Accordingly, the rejections referring to these claims are moot.

Initially, also, Applicants note the reference in the Response to Arguments section of the Office Action, to "claims drawn to a process of making". To the extent that that statement reflects belief that any of the pending claims are directed to a process of making, Applicants respectfully disagree. The pending claims include apparatus, method of display, and storage medium claims. None of the method claims are to methods of making. Similarly, the storage medium claims are media storing computer programs that comprise code for methods of use, not of making. Applicants do agree that claims directed to apparatus must be distinguishable from the prior art by structure, and that even if a prior art device performs all the functions recited in a claim, the prior art cannot anticipate the claim unless it also discloses all the structure recited in the claim.
M.P.E.P. § 2114.

Even if *Mayo et al.* and *Cuenod et al.* be deemed to disclose the intended use of the apparatus claimed in the present application, those patents do not teach the structures recited by Applicants.

The aspect of the present invention set forth in claim 1 is an information processing apparatus connected to a network.[1] The apparatus comprises a communicating unit, a first, a second, and a third acquiring unit, and a display unit that communicates information with each of a number of terminal devices on the network. The first acquiring unit performs an acquisition function to acquire first information, related to the terminal device connected to the network, through the communicating unit. The second acquiring unit performs an acquisition function to acquire second information, related to a peripheral device which is locally connected (and not connected through the network) to the terminal device to which the first information pertains while the third acquiring unit also performs an acquisition function to acquire a status of the peripheral device to which the second information pertains. The display displays information of the terminal device connected to the network, information of the peripheral device connected to the terminal device, and a status thereof based upon the first information, acquired by the first acquiring unit, the second information, acquired by the second acquiring unit, and the status, acquired by the third acquiring unit.

One important feature of Claim 1 is that the second and third acquiring units are so structured as to be able to acquire the recited information, even though the hardware which is the subject of that information is not itself connected to the network. That is, information related to the peripheral device (which is not connected through the network), can be acquired by the information processing apparatus through the network, together

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[1]/It should be understood that the recitation in the preamble that the apparatus is connected to a network, is not relied on for patentability.

with the information related to the terminal device to which the peripheral device is connected.

Mayo et al., as understood by Applicants, relates to a method and apparatus for monitoring and displaying the status of connections or other relationships in a computer network. *Mayo et al.* provides graphical representations of connections or other relationships among entities that make up a communications network. The Office Action in rejecting claim 1 correctly states that *Mayo et al.* does not disclose the use of a peripheral locally connected to a terminal device. However, in the Response to Arguments section of the Office Action, the Examiner appears to suggest that acquisition of the information may be satisfied by other methods, instead of the method of connecting devices through a network (column 4, lines 39-51 of *Mayo et al.*). In particular, the Examiner refers specifically to lines 46-49, of the cited passage, as disclosing that other devices are connected to the device through ports or as a software application which is clearly not connected to a network. Applicants respectfully disagree with this understanding of *Mayo et al.* Applicants submit that the cited passage discloses that devices connected within a communication network not only include hardware devices such as personal computers, workstations, hubs, routers, bridges, and repeaters, but also software applications. In this context, software applications are merely referred to as "devices" connected within a communications network. Accordingly, Applicants submit that nothing has been found, or pointed out, in *Mayo et al.* that would disclose or suggest a peripheral device locally connected, not through a network, where information relating to such peripheral device is acquired through a network, as recited in claim 1. Still less does that patent teach an acquiring unit, as recited claim 1, capable of performing such an acquisition function.

For at least this reason, independent claim 1 is believed clearly patentable over *Mayo et al.*, taken alone.

The Office Action cites *Cuenod et al.* as overcoming the deficiencies of *Mayo et al.* *Cuenod et al.*, as understood by Applicants, relates to a local area network for transferring data between a host computer and a multiplicity of low-speed input/output peripheral devices, such as keyboard, mouse, track ball, tablet, joystick, modem and other devices. In the *Cuenod et al.* system, each peripheral device 110 has its own interface 140 which couples the peripheral device 110 to the host computer 102 via a "desktop" communications network 150. The network 150 comprises a set of daisy chain connections 104, 152, 154, 156, the host computer 130, and the interfaces for each peripheral device 110. *Cuenod et al.* has each peripheral device connected through a network interface 140. In contrast, the apparatus as recited in claim 1 receives information relating to the peripheral device (which is locally connected to the terminal device) through the network.

Applicants submit that a combination of *Mayo et al.* and *Cuenod et al.*, assuming such combination would even be permissible, would fail to teach or suggest that the peripheral device is locally connected, not through the network, and the information related to the peripheral device is acquired through the network.

Accordingly, Applicants submit that claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent claims 36 and 71 are method and storage medium claims, respectively corresponding to apparatus claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with claim 1. Additionally, independent claims 17, 18, 52-54, 87, and 88 include a similar feature of a peripheral

device locally connected, not through the network, and the information related to the peripheral is acquired through the network, as discussed above in connection with claim 1. Accordingly, claims 17, 18, 52-54, 87, and 88 are believed to be patentable for reasons substantially similar to those discussed above in connection with claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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